

COTTONWOOD HEIGHTS

ORDINANCE NO. 129

AN ORDINANCE AMENDING COTTONWOOD HEIGHTS CODE CHAPTER 5.18 (REGISTRATION CARDS)

WHEREAS, effective 14 January 2005, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") adopted a code of ordinances (the "*Code*") for the City; and

WHEREAS, Code Chapter 5.18 ("*Chapter 5.18*"), entitled "Registration Cards," requires certain employees of certain businesses to obtain registration cards from the City as a condition of their employment, and establishes the policies and procedures for such registration cards; and

WHEREAS, the Council now has determined that modification of Chapter 5.18 is warranted; and

WHEREAS, the Council met in regular session on 9 December 2008 to consider, among other things, amending Chapter 5.18 regulating employee registration cards in the City; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so amend Chapter 5.18 as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Amendment of Chapter 5.18.** The Council hereby amends Chapter 5.18 of the Code as shown on the attached exhibit, with additions to current Chapter 5.18 underlined, and deletions to current Chapter 5.18 either ~~stuck through~~ or otherwise noted as deletions.

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. Effective Date. This Ordinance, assigned no. 129, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 9th day of December 2008.

COTTONWOOD HEIGHTS CITY COUNCIL



By Kelvyn H. Cullimore, Jr.
Kelvyn H. Cullimore, Jr., Mayor

Linda W. Dunlavy
Linda W. Dunlavy, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Gordon M. Thomas	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Don J. Antczak	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Bruce T. Jones <i>Absent</i>	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 9th day of December 2008.

POSTED this 11 day of December 2008.

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Chapter 5.18

REGISTRATION CARDS

Sections:

- 5.18.010 Definitions.
- 5.18.020 Persons and establishments which require registration cards.
- 5.18.030 Out-of-state entertainers—Group work card.
- 5.18.040 Procedure for obtaining card.
- 5.18.050 Fees.
- 5.18.060 Card numbers to be registered by employer.
- 5.18.070 Examination of employees' cards.
- 5.18.080 Period of validity.
- 5.18.090 Possession of card required—Cards not transferable.
- 5.18.100 Denial conditions—Appeals.
- 5.18.110 Revocation conditions—Appeals.
- 5.18.120 Violation—Penalty.

5.18.010 Definitions.

As used in this chapter:

A. "Employed" means performing any type of work or assistance for or on behalf of any establishment covered by this chapter, at any establishment covered by this chapter, during hours such establishment is open to its members or to the public, whether or not pecuniary compensation is provided or offered therefor.

B. "Employee" means any person, female or male, who is employed, as defined in this section, by any establishment covered by this chapter, whether the person is employed on a contractual basis, by fixed salary, or by any other means.

C. "Employer" means any establishment, or the principals thereof, covered by this chapter.

D. "Private club" means an organization primarily for the benefit of its members such as a social club, recreational association, fraternal association, athletic association or a kindred association.

E. "Tavern" means any business establishment that is engaged primarily in the retail sale of beer to public patrons for consumption on the establishment's premises and is licensed to sell beer under UTAH CODE ANN. §32A-10-101 *et seq.* or any successor statute(s), including a beer parlor, a lounge, a cabaret, or a nightclub if the revenue from the sale of beer exceeds the revenue of the sale of food, although food need not be sold in the establishment.

5.18.020 Persons and establishments which require registration cards.

The persons and establishments covered by this chapter shall be all employees of taverns and private clubs located in the city which sell, serve and dispense alcoholic beverages, including bartenders, waiters, waitresses, managers; those engaged in the security or the checking of identification; and those providing entertainment in such establishments, all of whom are required to obtain a registration card under this chapter.

Deleted: class C and E beer establishments, class B establishments which provide live entertainment on the premises, and class A and B private clubs which sell, serve and dispense alcoholic beverages

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5.18.030 Out-of-state entertainers—Group work card.

It shall be the responsibility of a licensee of an establishment listed in section 5.18.020 desiring an out-of-state entertainer or entertainment group to perform on the licensee's premises to ensure that the entertainer or each member of the entertainment group has either obtained a work card or a group work card for the entertainer or entertainment group, as appropriate. The licensee shall submit the name, date of birth and address of each entertainer or member of the entertainment group and shall verify that each entertainer or each member of the entertainment group is over the age of 21. The application for a group work card shall contain all information required by the police department and shall be submitted to the police department by the licensee at least two business days prior to the performance of the entertainer or the entertainment group. The group work card shall be valid for only the performance of the entertainer or entertainment group while at the licensee's premises, but in no event shall it be valid for longer than one year.

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5.18.040 Procedure for obtaining card.

A. Prior to commencing employment, the employee must obtain a signed registration application from the employer, and then submit himself to the police department to be photographed.

B. Any male or female applicant between 18 and 21 years of age who, by reason of his or her appearance, causes the police department examiner to doubt the truth of his or her stated age, may be required to furnish satisfactory documented proof of his or her age.

Deleted: , or provide the police department with two one-and-one-half-inch by one-and-one-half-inch photographs

5.18.050 Fees.

The fee for work cards shall be as specified in the fee schedule adopted pursuant to section 5.06.050.

5.18.060 Card numbers to be registered by employer.

All police department card numbers obtained under the provisions of this chapter are to be registered by the employer personnel or payroll section and kept as a part of the record of the employee.

5.18.070 Examination of employees' cards.

The person or persons designated by each establishment as the agent(s) responsible for hiring and/or checking employees under the provisions of this chapter shall examine each employee's or prospective employee's police department registration card for the purpose of determining the validity of the card.

Deleted: for use in the particular establishment concerned, such validity to be determined by the name of the concerned establishment being stamped on the back side of the registration card in red ink. If the prospective employee's card is found to be invalid as described above, he will be issued a new signed application form which must be completed and presented along with his registration card to the police department for validation, prior to commencing employment.

5.18.080 Period of validity.

Unless revoked or suspended, each registration card issued pursuant to this chapter shall remain valid for a period of one year from date of original issuance.

5.18.090 Possession of card required—Cards not transferable.

All persons employed by an establishment governed by this chapter must have in their possession a valid registration card. Registration cards are not transferable.

5.18.100 Denial conditions—Appeals.

A. The police department may deny a registration card if the applicant:

1. Has been convicted of a felony or any crime involving moral turpitude;
2. Has obtained a registration card by fraud or deceit;
3. Has failed to pay required fees; or
4. Has violated the laws of the state or the ordinances of the city regulating the work of the applicant.

B. Any person who is denied a registration card may appeal in writing within fifteen days from the date of denial to the manager for a hearing regarding issuance of the registration card. The manager shall then schedule a hearing in conformance with general business license denial proceedings, as set forth in this title, as amended.

5.18.110 Revocation conditions—Appeals.

A. The police department may revoke or suspend registration cards if the holder:

1. Has been convicted of a felony or any crime involving moral turpitude;
2. Has obtained a registration card by fraud or deceit;
3. Has failed to pay required fees;
4. Has violated the laws of the state or the ordinances of the city regulating the work of the permit holder;

5. Has procured, attempted to procure, or agreed to procure, for any person:

- a. Another person for the purpose of sexual intercourse or any immoral act,

or

- b. A controlled substance, as defined in UTAH CODE ANN. §58-37-1, *et seq.* or any successor statute.

6. Has utilized his registration card for the purpose of obtaining credit, or as identification for cashing checks.

B. Any person whose registration card has been revoked or suspended by the police department may appeal, within 30 days from the date of the suspension or revocation, to the manager for a hearing regarding reinstatement of the registration card. The manager shall then schedule a hearing in conformance with general license revocation proceedings, as set forth in this title, as amended.

5.18.120 Violation—Penalty.

Any person in violation of this chapter or any part thereof shall be guilty of a misdemeanor.

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